



Attachment Q1-A: Assurances

Question 1 Applicants will be required to meet the conditions listed below prior to execution of a project Funding Agreement. Please review the document carefully, and if appropriate, provide the requisite signatures, and submit the original, signed Assurances Agreement with your Question 1 General Application.

ASSURANCES

State of Nevada, Division of State Lands  
**Conservation and Resource Protection (Question 1) Grant Program**

Applicant hereby assures and certifies that they will comply with the regulations, policies, guidelines and requirements of the Nevada Division of State Lands (State Lands). Also, Applicant gives assurance and certifies with respect to a Funding Agreement that:

- A. Applicant possesses legal authority to apply for the grant, along with the ability to finance and construct the proposed facilities.
- B. Applicant gives assurance that a resolution, motion statute authority or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- C. Applicant will have sufficient funds available to meet the non-Bond Act share of the costs with the understanding that Grant payments are usually on a reimbursement basis only, and that advances will be given only under extraordinary need.
- D. Applicant will have sufficient funds available when construction is completed to assure effective operation and maintenance of the facility for at least 20 (twenty) years after project completion for the purposes constructed. Applicant will not dispose of or encumber its title or other interests in the site and facilities for 20 years without state approval. The applicant will maintain the project and associated infrastructure for a minimum of 20 years.
- E. To the fullest extent permitted by law, Applicant will agree to indemnify, hold harmless and defend the State of Nevada, its officers, employees, agents and invitees from and against all liabilities, claims, actions, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of any alleged negligent or willful acts or omissions of the Applicant, its officers, employees and agents.



- F. Applicant will furnish progress reports and such other information as the grantor agency may require. At a minimum STATE LANDS will be notified and given the opportunity to review the project design and construction at multiple project milestones:
- Project Initiation after grant award
  - Preconstruction Meeting
  - Completion of 25, 50, and 90 percent of the Project design
  - Final design prior to advertisement and award of contract
  - Completion of 25, 50 and 75% of construction
  - Project completion prior to release of contractor
- G. Applicant will provide and maintain competent and adequate engineering supervision and inspection at the construction site to insure that completed work conforms to the approved plans and specifications.
- H. Applicant will operate and maintain the work done in accordance with the minimum standards as may be required or prescribed by the applicable state and local agencies.
- I. Applicant will obtain all permits, easements and other private and governmental agency approvals required for the project prior to the commencement of construction.
- J. Applicant must receive notice to proceed from STATE LANDS prior to advertisement of bids and commencement of construction.
- K. Applicant will give STATE LANDS or it's designate, access to and the right to audit project records.
- L. Applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving state agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.
- M. Applicant will comply with Title IV of the Civil Rights Act of 1964 (P. O. 88-352).
- N. Applicant will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- O. Applicant will comply with the provisions of the Hatch Act which limit the political activity of employees.
- P. Applicant understands that competitive opening bidding is required as outlined in Nevada Revised Statutes Chapter 338.

**Name:**

**Signature:**

**Date:**